

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAMES ANTHONY MCNALLY

PLAINTIFF

V.

CAUSE NO. 3:17-CV-847-CWR-JCG

DIRECTOR B.O.P. MARK INCH, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court pursuant to the Report and Recommendation of the United States Magistrate Judge, which was entered on February 7, 2019. Docket No. 46. The Report and Recommendation clearly notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with Local Rule 72. *Id.*; see 28 U.S.C. § 636 and Fed. R. Civ. P. 72(b)(2). The Government filed notice of no objection on February 21, 2019. Docket No. 50.

This Court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the Order of this Court. Accordingly, Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment (Docket No. 30) is GRANTED IN PART AND DENIED IN PART. The Eight Amendment claims against Director Inch and Regional Director Inch are dismissed without prejudice for lack of personal jurisdiction. The Eight Amendment claims against Dr. Chambers, Warden Nash, Dr. Natal are dismissed with prejudice. The Plaintiff shall have 90 days from the entry of this Order to file an amended Complaint to advance a claim against the United States under the Federal Tort Claims Act (FTCA). 28 U.S.C. § 2672 et seq.

SO ORDERED, this the 29th day of March, 2019.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE